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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,
Plaintiff, Counter-Defendant,
v.
APPLE INC.,
Defendant, Counterclaimant.

CASE NO. 4:20-CV-05640-YGR

Honorable Yvonne Gonzalez Rogers

**DECLARATION OF MARC E.
MAYER PURSUANT TO CIVIL
LOCAL RULE 7-11(a) IN SUPPORT
OF ADMINISTRATIVE MOTION
TO SEAL DOCUMENTS AT TRIAL
PURSUANT TO CIVIL LOCAL
RULE 79-5(e)**

I, Marc E. Mayer, declare as follows:

1. I am a partner with the law firm of Mitchell Silberberg & Knupp LLP, counsel for Kabam, Inc. ("Kabam") in this action. I am an attorney duly licensed to practice before the courts in the State of California. I submit this declaration in support of Kabam's concurrently filed Motion to Seal Documents pursuant to Civil Local Rule 79-5(e). I have personal knowledge of the facts set forth in this Declaration except as stated otherwise, and if called as a witness, I could and would testify competently to such facts under oath:

2. On April 27, 2021, Kabam informed me that counsel for Apple Inc. ("Apple") had reached out to Kabam to inform it that Epic Games, Inc. ("Epic") included on its exhibit list for trial two documents produced by Apple that included

1 correspondence with Kabam designated as confidential. Apple suggested that
2 Kabam file the present motion to seal if it did not want the documents accessible to
3 the public.

4 3. With counsel, Kabam reviewed the documents to identify whether
5 either of them contained confidential material satisfying the “compelling reasons”
6 standard for sealing, and concluded that both documents contain such information.

7 4. Pursuant to Civil Local Rule 7-11, my firm met and conferred with
8 counsel for Apple and Epic regarding this motion on April 30, 2021. Counsel for
9 Apple does not oppose the motion, and counsel for Epic reported that they take no
10 position on this motion and will submit objections to Kabam’s proposed sealing, if
11 any, before trial.

12 5. I declare under penalty of perjury of the laws of the United States of
13 America that the foregoing is true and correct. This declaration was executed this
14 30th day of April 2021, in Calabasas, California.

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16 /s/ Marc E. Mayer

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